

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-11, 14-35 and 37 are pending. Claims 1, 6, 16, 22 and 31-35 are independent.

II. ELECTION/RESTRICTION REQUIREMENTS

The Office Action again asserted a restriction requirement regarding claim 36 as drawn to a non-elected invention.

Claim 36 was previously withdrawn from consideration without prejudice or surrender of subject matter as directed to a non-elected invention.

Withdrawal of claim 36 from consideration as stated above is reiterated.

III. II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-11, 14-35 and 37 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,002,394 to Schein et al. (herein after, "Schein").

Applicant respectfully traverses this rejection.

**A. SCHEIN FAILS TO DISCLOSE THE
TEMPORAL SHIFT OF SUCCESSIVE
DISPLAYS RECITED IN CLAIM 1**

Claim 1 is representative and recites, *inter alia*:

“ . . . processing a plurality of commercial information . . .

...

wherein, when a cursor is moved onto a program of a program column of the program guide screen, each of said commercial information provided by a commercial information sponsor of the program displayed at each program column is displayed successively, shifted temporally from one another.” (emphasis added)

Applicant submits that Schein does not teach or suggest the above-identified feature of claim 1.

The commercial information provided by the commercial information sponsor is “displayed successively on the display, shifted temporally from one another . . .” as recited in claim 1. That is, a plurality of commercial data are automatically transmitted in response to the location of the cursor and each of the commercial data are successively displayed shifted in time from one another. For example, a number of commercials are played one after the other.

Thus in the present application, the plurality of commercial information is successively displayed. That is, the commercials are displayed one after another displaced temporally from one another. This distinguishes from Schein wherein commercial data is displayed in a list or at the same time.

Thus, a plurality of commercial data can be displayed successively for a single program. Similarly, a plurality of commercial data for a single program can be displayed successively with being shifted temporally in the commercial data display area the displayed program guide. Pars. [0137], [0138] and FIG. 7A-7C.

The Applicant emphasizes that the appropriate definition of “successively” as found in the specification at par. [0138] has a temporal component; “the plurality of commercial information for a single program can be successively displayed with being shifted temporally.” Par. [0138]. That is, successively displayed one after another in time. Pars. [0137], [0138]..

The Office Action at pages 4-5, now reinterprets Schein and points to Schein FIG. 21C, for the above-recited element of claim 1, stating, “**a program is displayed at each program column, for example the programs displayed on the Disney channel, HBO or ABC) is displayed successively (see Figure 21C for displaying the commercial information one after another from items 2 to 6 in the program guide display), shifted temporally from one another (see Figure 21C for each item 2-6 pertaining to the NFL program being displayed on channel ABC in Figure 21A).**” (emphasis in Office Action).

However, there is no disclosure in Schein of the plurality of commercial data being displayed successively being shifted temporally from one another as recited in claim 1. The Office Action impermissibly reads disclosure into Schein that is not actually in the granted patent. Indeed, Fig. 21 is only described, in relevant part, in Schein col. 23, line 66 to col. 24, line 24:

“FIGS. 21A-21F illustrate a representative system and method for contextually linking related items and services to a particular program in the program guide 502. As shown in FIG. 21A, the viewer selects a particular program within guide 502, to access that program's info menu. Within the info menu, the viewer then scrolls to linked services and clicks on this window to move into a database that includes items and services contextually related to that particular program. In the example shown, the viewer has been watching a sport event featuring the Washington Redskins v. the Minnesota Vikings. The viewer is transferred to a window that provides a number of options for purchasing items and services related to that game, such as Washington Redskin or Minnesota Vikings paraphernalia, other NFL teams paraphernalia (in an NFL sports pro shop), or highlights of other games between these two or other teams. Alternatively, the

viewer may order a tape/transcript of the program that is currently being shown on the guide. FIGS. 21C-21F illustrate a case in which the viewer has selected purchasing a Washington Redskin cap. The viewer inputs a password or other input identification, which is confirmed by the system. Alternatively, the viewer can simply swipe his or her credit card or other identification card through the remote control device or the television system to authorize the purchase of the Redskins' cap. The order is confirmed and the cap is delivered to the viewer's home."

The Office Action adds disclosure to Schein that is not described therein. As shown in Fig. 21C of Schein and in related description above, items 2-6 are displayed at the same time.

In contrast, claim 1 of the present application has a plurality of commercial information related to a selected program are alternately displayed in a commercial display area. The based on the program selected, a plurality of commercials are displayed in a commercial display area one after the other in time. That is, in the commercial display area, each of the commercials provided by the sponsor is played one after the other in time.

Applicants contend there is no disclosure in Schein at the cited location of any temporal relationship between successively displayed commercial data. That is, there is no suggestion that, when the user move the cursor to a program in a program column, a plurality of commercials from the sponsor of the program are successively displayed one after the other in time. Therefore, Schein does not disclose, "when a cursor is moved onto a program of a program column of the program guide screen, each of said commercial information provided by a commercial information sponsor of the program displayed at each program column is displayed successively, shifted temporally from one another."

For at least this reason, Applicant respectfully submits claim 1 is patentable over the Schein reference.

Applicant believes independent claims 1, 6, 16, 22 and 32-35 are allowable for substantially the same reason.

IV. II. REJECTIONS UNDER 35 U.S.C. §103

Claims 37 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Schein in view of U.S. Patent No. 6,052,554 to Hendricks et al. (herein after, "Hendricks").

Claim 37 depends from claim 34 and is believed allowable for at least the same reasons as discussed above with respect to claim 1. Hendricks does not add the elements missing from Schein.

V. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

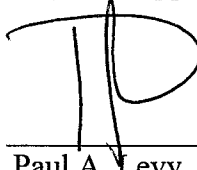
Claims 1-11, 14-35 and 37 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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